

phase of this application. According to MPEP § 1850, “From the preceding paragraphs it is clear that the decision with respect to unity of invention rests with the International Searching Authority or the International Preliminary Examining Authority.” MPEP § 1850, II. DETERMINATION OF "UNITY OF INVENTION". Therefore it is respectfully submitted that there is decision to be made as to any lack of unity.

Even if the lack of unity of invention is maintained, Applicant requests reconsideration of the grouping of the claims on the basis that product claims should be examined together with claims to processes of making the product and claims to processes of using the product. Specifically, MPEP 1850 states in section IIIA, “Combinations of Different Categories of Claims” that “The method for determining unity of invention under PCT Rule 13 shall be construed as permitting, in particular, the inclusion of any one of the following combinations of claims of different categories in the same international application: (A) In addition to an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of the said product, and an independent claim for a use of the said product....”

Thus, Applicant asserts that claims to use of the products of Group 6 should be included in the elected invention.

It further is noted that SEQ ID NO:6, also known as Nanobody Ia1 (see Table 5, page 53 of the specification), is a Nanobody that blocks EGF binding to EGFR, and thus is representative of a class of Nanobodies. Applicant respectfully submits that it would not represent an undue burden of searching and examination to examine as a group Nanobodies that block EGF binding to EGFR, of which SEQ ID NO:6 is representative.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

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Respectfully submitted,

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